



CENTRAL COUNCIL of German Sinti & Roma



## Strategic Visioning Report

# Transitional Justice tools to address historically rooted antigypsyism in Europe

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## CHACHIPEN

Remembrance, Recognition,  
Justice and Trust-Building



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## Background

As part of the CHACHIPEN project, CEPS organized a Strategic Visioning Exercise under the heading of 'Transitional Justice tools to address historically rooted antigypsyism in Europe' as a hybrid event **on 23 June 2022**. In general, the Strategic Visioning Exercise aimed to bring together leading scholars and practitioners working on Roma, transitional justice tools, anti-racism and non-discrimination around the World, and those addressing antigypsyism (See Annex 1 for the List of Attendees). Participants covered Roma mobilisations not only in countries covered by CHACHIPEN research, but also in wider Europe and beyond, including colleagues from Argentina, Canada, and the USA.

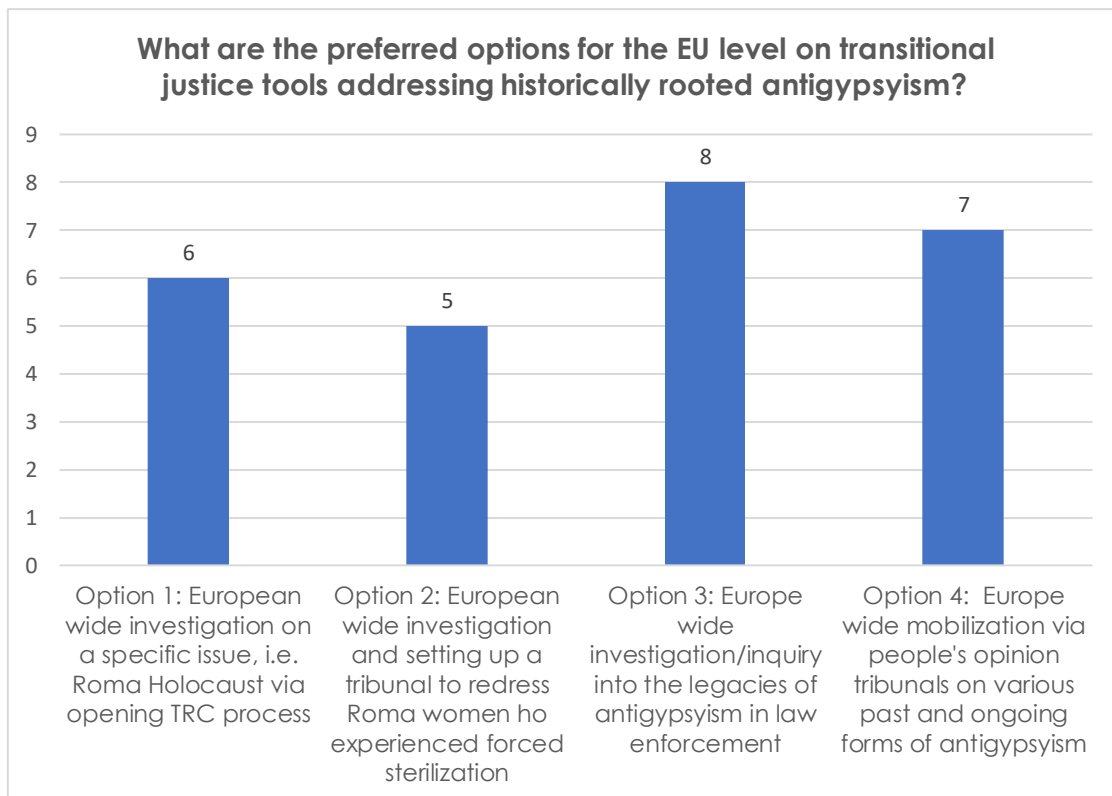
This Exercise meant to contribute to (i) providing inputs into the forthcoming CHACHIPEN synthetic cross-country report, (ii) further explorations leading up to a discussion with the UN OHCHR initiative on Roma Memorialisation in Geneva on 15 September 2022, and (iii) providing a basis for the forthcoming CHACHIPEN closing conference at the end of March 2023.

The discussion aimed at exploring the potentials and challenges for how transitional justice could be applied to Roma at the EU level. It additionally sought to add nuance to the strategies provided by the CHACHIPEN consortium and its supporting partners regarding the deployment of transitional justice tools in combating antigypsyism and building a narrative on Roma equality, in Europe (particularly in Romania and Spain) and elsewhere, to deepen the discussions in transitional justice regarding Roma begun by the CHACHIPEN project. In doing so, the Strategic Visioning Exercise meant to expand on, and draw conclusions from, the State of the Art Report of the CHACHIPEN project with a stronger focus on the role of the European Union than was previously investigated.



## Transitional Justice for Roma: what potential exists?

First, inputs from internal and external experts were given on transitional justice as a concept and its three aspects stressed; the right to know, the right to truth, and the right to access justice. The variety of judicial and non-judicial, concrete and symbolic tools of transitional justice were exemplified through further deliberations on court trials, truth commissions, and citizens opinion tribunals. The lessons learned from the use of the respective transitional justice tools and processes were emphasized.



Source: Authors own elaboration, based on a Zoom poll on 23 June 22.

The discussion then turned towards the future and a vision for a European transitional justice toolbox to investigate antigypsyism. The participants were first asked to give their opinion in a Zoom poll regarding the following question and options (with the possibility to tick more than one option). As the graph above indicates, the participants acknowledge the need for European wide inquiry and research into the effects of historic

antigypsyism on the continent, particularly with respect to its legacies in the field of law enforcement (see the graph above).

The main take aways from the discussion were the following:

**The need to focus on structures and historical roots:**

Real, practical change requires addressing structural and historically rooted antigypsyism. The EU, its various entities and Member States need to be critically evaluated regarding inherent structures of antigypsyism; the EU needs to hold itself accountable to its values of equality and inclusion. In particular for instance, structural antigypsyism in police and judicial systems at the EU and national levels need to be critically assessed.

**Civil society involvement is the key:**

Real change 'on the ground' can only be achieved (i) with the awareness and power of the people most affected (i.e., with Roma civil society), (ii) by including the people affected to determine what is actually required and feasible, and (iii) by giving the people affected a voice and ensuring that it is heard at the various levels.

**Knowledge-building:**

Knowledge about antigypsyism needs to be built and expanded upon not only at the academic and/or political level, but also in Roma and non-Roma civil society. While it was agreed that the cooperation of international organisations, politicians, academic, and civil society actors is highly valuable, it was also stressed that the knowledge produced should not remain in a small group but must be made readily accessible and understandable to a wider audience. Apart from providing low-threshold access to research results, this could also mean opening archives to the general public.

**Limits of transitional justice tools and antigypsyism commissions:**

Previous experiences in Sweden and Germany have shown that antigypsyism commissions are, in themselves, insufficient in changing the status quo of the people most affected and neither could the European Commission's or Council's recommendations. Other, complementary, tools are therefore needed.

Similarly, it was argued that the reports of truth or expert commissions have not always been successful in affecting substantial change in the lives of those suffering current injustices. For instance, it was pointed out that the Canadian Truth and Reconciliation Reports on Canada's Residential Schools, while important in addressing past injustices, does not impact the current inequities faced by Aboriginal people.

It was noted that it is important to distinguish between past and present injustices, and that effective change can only be achieved by addressing *both*, each with their own respective set of tools.

### **Role of human rights bodies as catalysts and promoters:**

The EU, the Council of Europe, as well as the OSCE ODIHR and the UN can serve as venues for pressure, as well as for dissemination of information and knowledge exchange. They should therefore be involved in further initiatives in the fight against historically rooted antigypsyism. They could also ensure external monitoring of any TRC-like initiatives.

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## **Open questions identified**

The discussion also left some questions and concerns open, which will need to be addressed in more detail in the future:

### **Addressing the Roma Holocaust and the next steps in the fight against antigypsyism**

While agreeing that the fight against historically rooted antigypsyism in Europe is a long journey that has only just begun, the discussants disagreed on what exactly the next step(s) should be, and whether or not multiple steps should be taken at once or rather one after another.

More specifically, the attention that should be given to the Roma Holocaust was debated.

It was argued that the Roma Holocaust, due to both its significance and incontestability, would be a good starting point with regard to generating media and public attention. However, the concern that the Roma Holocaust could be utilized by political actors to 'neglect' other issues was

voiced. Such actors might seek to exclusively address antigypsyism through accounting for the Roma Holocaust, and therefore deliberately fail to address other instances (past and present).

### **Topical or more general approach?**

In connection to next steps to be taken, the discussions also considered whether or not it is wise to approach various manifestations of antigypsyism that may be overlapping or interlinked separately, such as the forced sterilization of Roma women, systematic police violence, and discrimination, etc. Proponents of a step-by-step approach argued that separating out issues might be the best way to begin the long fight against antigypsyism. In this manner, attention could be built by starting in one area, for instance the Roma Holocaust. The opponents of this approach cautioned that many issues are interlinked and separation would thus potentially risk oversimplification.

### **What is the role of the EU?**

Discussants agreed that EU institutions must be involved, including both political and legislative powers. However, while EU institutions were seen as important disseminators of information, the exact nature of the involvement of EU officials, working groups, and EU agencies, such as FRA, Ombudsman, remains open.

The complexity of the institutional system of the EU, its long policy cycles, administrative obstacles (for instance, for Roma organisations in obtaining grants), and various – at times conflicting – agendas were seen as factors that need to be taken into account in further considerations on this question. For example, the Commission's Roma Unit is focusing on the socio-economic priorities of the Roma Strategy on equality, participation and inclusion, while the EU anti-discrimination unit is currently working on the EU's new Anti-racism plan that is more civic and political in nature.

### **Discrepancies between Member States**

The question of how to combat, or work with, significant differences in the *status quo* of the fight against antigypsyism across the various Member States, especially need for EU-wide action, remains open.

In countries in which historical knowledge must first be built, for instance in Romania, expert commissions may be more appropriate than truth-finding commissions. While in other Member States, where antigypsyism commissions have conducted inquiries, there could be fertile ground for fully-fledged TRC commissions, as proposed for instance in Germany.

Several discussants have stressed that all transitional justice tools would need to be tailored to specific contexts.

### **Moving from theory to practice of transitional justice**

Questions of how to bridge scholarly and political debates, and the practical implementation of policies in Roma (and non-Roma) communities, were also raised. In short, how best to move from theory to practice requires additional discussion within the CHACHIPEN project.

One of concrete tools reiterated was the use of testimonies of victims and survivors to illustrate transitional justice in action. Careful preparations would be required for this, and have been discussed with reference to the CHACHIPEN Ethical guidelines.

### **How to involve or empower Roma communities and civil society to take a lead?**

While it was widely agreed upon that Roma civil society needs to be more strongly involved in order to achieve substantial and sustainable change for Roma themselves, the exact nature of that involvement remains open.

One factor that has to be borne in mind is the plurality of opinions among Roma communities and organisations. As some discussant pointed out, differences of opinion are characteristic of democratic structures and societies. The fact that some within the Roma community may be opposed to some or certain forms of participation does not delegitimize the initiative, but rather necessitates that it be mindful of diverse opinions and goals. There does however, need to be broad agreement on some core elements in order to move forward with transitional justice initiatives, given these seek broad impact.

For instance, the question of how exactly to build a collective Roma history and memory, and what this exactly it could and/or should look like, also remains open. Again, the diversity among Roma communities and experiences must be borne in mind. In some countries, Roma hardly know

their own history and would require additional support from academics and the guidance of other organisations to lead such efforts.

### **How would addressing past injustices translate into the present?**

The question of the two temporalities, past and present, of antigypsyism was raised. While transitional justice tools can help to understand how antigypsyism was shaped and institutionalised historically, court decisions or public apologies for past violations cannot act as substitutes for addressing antigypsyism as it manifests today.

Truth commissions and court trials focus on past injustices and not present-day discrimination. To achieve full equality and inclusion for Roma, it is clear that various tools need to be used complementarily. Further discussion is required to determine how to effectively address both past and present injustice and discrimination, as well as to determine the link(s) between the two.

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## **Instead of conclusions**

The Strategic Visioning Exercise has shown a consensus on the role of the EU in leading the investigation and research into historic cases of antigypsyism. With the exception of a people's own opinion tribunal (as an educational exercise), there was less agreement on the concrete shape that TRC-like processes or tribunals should take.

The discussion highlighted the key areas for further deliberation on how exactly to approach European Roma transitional justice mechanisms. The complexity of the EU institutional system as well the diversity of views within European Roma civil society seems to require special consensus building on certain core issues. The Alliance against Antigypsyism have successfully found broad agreement on policy that is slowly being institutionalised by the EU and CoE.

Another major challenge for the CHACHIPEN project will be to ensure the knowledge co-creation among and with Roma civil society and communities. This knowledge needs to be further utilised in the ongoing





academic and political debates on antigypsyism, anti-racism, and Roma inclusion, evidencing historical dimensions and current legacies.

One of the key tools helping to bridge theory with practice will be the testimonies of victims and survivors, used in CHACHIPEN's research, website and in its closing conference. Victims and survivors have an opportunity to express their deepest truth, and this creates opportunity to re-consider long-established *gadje* (*non-Roma*) narratives, and a call for justice, remembrance, apology, and/or compensation.



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## List of Strategic Visioning Participants

This Strategic Visioning Exercises list of participants, consisting of **Discussants:**

- Ms Anna Carballo, FAGIC/Chachipen Partner & Researcher, Spain
- Dr Sergio Carrera, Head of Justice and Home Affairs Unit, CEPS/Chachipen Scientific Coordinator, Belgium
- Mr Pedro Casermeiro, Romane Siklovne/ Chachipen Researcher, Spain
- Dr Markus End, Center for Research on Antisemitism, TU Berlin, Germany
- Mr Marton Kalotay, University of Neuchâtel, former CHACHIPEN Intern, Switzerland
- Mr Jonathan Mack, Central Council of German Sinti and Roma/Chachipen Partner, Germany
- Ms Isabela Mihalache, ERGO/ Chachipen Partner, Belgium
- Mr Alin Voicu, AFF// Chachipen Partner, Romania
- Ms Aline Miklos, Senior Fellow OHCHR, Argentina
- Ms Miriam Mir, CEPS JHA Programme Manager, Germany
- Dr Ana Oprisan, ROMACT, Council of Europe, France
- Prof. Delia Popescu, Le Moyne College, USA
- Mr Chet Narayan Rasaili, Consultant OHCHR, Nepal
- Dr Iulius Rostas, former chair of CEU Romani Studies, Chachipen Researcher, Romania
- Ms Dafina Savic, Founder of Romanipe, Canada
- Prof. Lavinia Stan, St. Xavier University, Canada
  
- **Moderator:** Ms. Lina Vosyliūtė, Research Fellow, CEPS/ Chachipen Coordinator, Belgium



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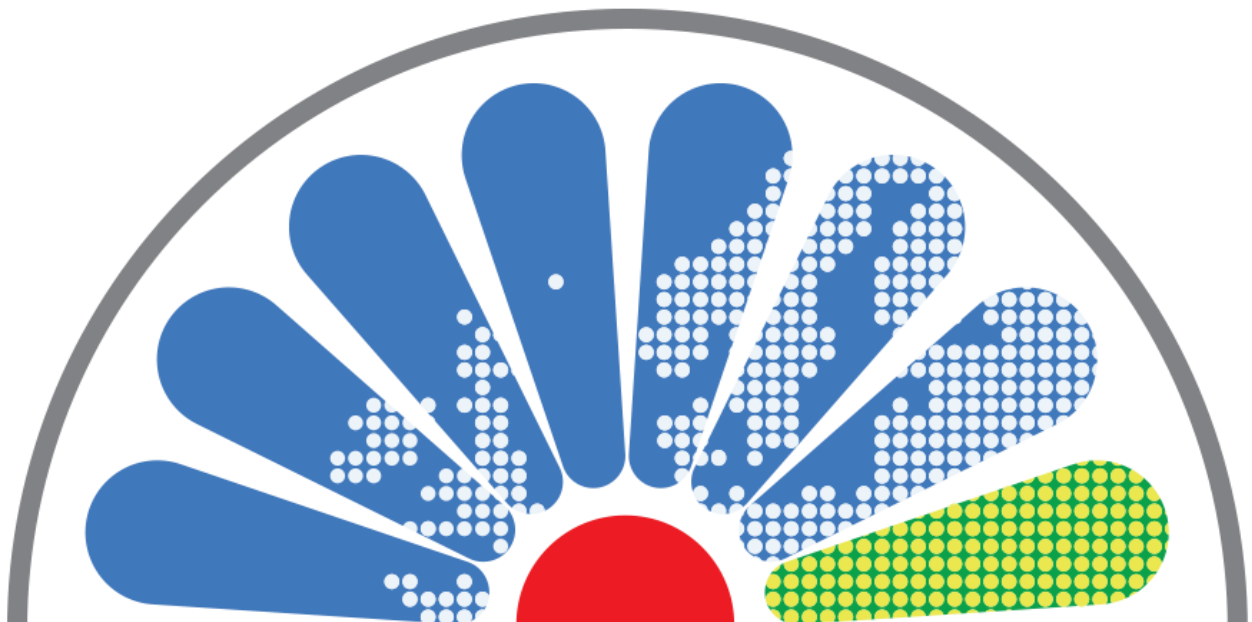
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## About the project

CEPS, together with the Central Council of German Sinti and Roma, the European Roma Grassroots Organisations (ERGO) Network, the Federación de Asociaciones Gitanas de Cataluña (FAGIC), the Asociația Fast Forward (AFF) from Romania, has launched an EU Rights, Equality and Citizenship programme & German Ministry of Foreign Affairs funded project called 'Paving the way for Truth and Reconciliation Process to address antigypsyism in Europe: Remembrance, Recognition, Justice and Trust-Building', abbreviated as 'CHACHIPEN' for 'truth' in the Romani language.

This project aims to lay the foundations for the transitional justice, via tools like Truth and Reconciliation processes as a way to address historically rooted antigypsyism in Europe. Using the experiences from Swedish and German Independent commissions, the project will draw the lessons on what has (not) worked. We elaborate what processes could be of relevance for Romania and Spain and at the EU level to combat antigypsyism, aiming to build a common narrative on Roma equality.

More about the project: <http://antigypsyism.eu/chachipen/>



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